

NOT FOR PUBLICATION

(Docket Nos. 22 & 23)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

VICTOR BOYKO, individually
and on behalf of all others
similarly situated,

Plaintiff,

V.

AMERICAN INTERNATIONAL
GROUP, INC., et al.,

Defendants.

[illegible]

Civil No. 08-2214 (RBK/JS)

ORDER

THIS MATTER having come before the Court upon two motions, one by Defendants American International Group, Inc. and one by American International Insurance Company of New Jersey, Inc. and AIG Marketing, Inc. (collectively, “AIG Defendants”) to dismiss in part the Amended Complaint of Plaintiff Victor Boyko (“Plaintiff”), or in the alternative, to strike paragraphs 41 and 47 of the Amended Complaint; and the Court having considered the party’s papers; and for the reasons expressed in an Opinion issued today;

IT IS HEREBY ORDERED that the AIG Defendants' motions to dismiss Count II (intentional misrepresentation claim) are **GRANTED**; and

IT IS FURTHER ORDERED that American International Group, Inc.’s motion to dismiss Count IV (breach of duty of good faith and fair dealing claim); Count V (unjust enrichment claim), and Count VIII (New Jersey Truth-in-Consumer Contract, Warranty and

Notice Act claim) is **GRANTED** as to the claims brought against American International Group, Inc.; and

IT IS FURTHER ORDERED that the AIG Defendants' motions to dismiss Count VII (New Jersey Consumer Fraud Act claim) are **DENIED**; and

IT IS FURTHER ORDERED that American International Group, Inc.'s motion to dismiss Count III (negligence claim) and Count VI (New Jersey Consumer Fraud Act claim) is **DENIED**; and

IT IS FURTHER ORDERED that the AIG Defendants' motions to strike paragraph 47 are **GRANTED**; and

IT IS FURTHER ORDERED that the AIG Defendants' motions to strike paragraph 41 are **DENIED**; and

IT IS FURTHER ORDERED that Plaintiff is **GRANTED** leave to amend within 10 days of this Order the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act claim.¹

Dated: 12-23-2009

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge

¹ Such amendment may not restate the matters previously alleged in paragraph 47 and must otherwise comport with the terms of the accompanying Opinion.